

IC 33-25-3

Chapter 3. Rules and Procedures

IC 33-25-3-1

Chief judge; presiding judges

Sec. 1. (a) The judges of the court of appeals shall select one (1) of their members as chief judge of the court. The member selected retains that office for three (3) years after the effective date of the member's appointment, subject to reappointment in the same manner. However, a member of the court may resign the office of chief judge without resigning from the court. When a vacancy in the office of chief judge occurs due to absence, illness, incapacity, or resignation, the powers and duties of the chief judge devolve upon the judge of the court of appeals who is senior in length of service. However, if two (2) or more judges are equal in length of service and senior in length of service, the determination of chief judge shall be by lot until the cause of vacancy is terminated or the vacancy is filled.

(b) The members of each district, other than the district from which the chief judge was chosen, shall select one (1) of their members as presiding judge of the district.

As added by P.L.98-2004, SEC.4.

IC 33-25-3-2

Disqualification of judge

Sec. 2. If a judge of the court of appeals:

- (1) is related to a party;
- (2) is interested in a case;
- (3) was a counsel in a case; or
- (4) was the judge who rendered the decision in a lower court that has been appealed to the court of appeals;

the judge shall disqualify himself or herself and not sit to hear the case.

As added by P.L.98-2004, SEC.4.

IC 33-25-3-3

Replacement of disqualified or absent judge

Sec. 3. When a judge disqualifies himself or herself or is otherwise unable to sit for the hearing or decision of a case in the judge's district, the chief judge shall assign a court of appeals judge to the disqualified or absent judge's district for the hearing and decision of the case.

As added by P.L.98-2004, SEC.4.

IC 33-25-3-4

Appeals; amount in controversy

Sec. 4. Except as provided in IC 34-56-1, an appeal may not be taken to the court of appeals in any civil case where the amount in controversy, exclusive of interest and costs, does not exceed fifty dollars (\$50).

As added by P.L.98-2004, SEC.4.

IC 33-25-3-5

Hearing and argument of cases

Sec. 5. The hearing and argument of cases in the court of appeals shall be in accordance with:

- (1) the rules of the supreme court as to hearing and argument;
- or
- (2) any rules the court of appeals adopts.

As added by P.L.98-2004, SEC.4.

IC 33-25-3-6

Opinions; reports; publication and distribution

Sec. 6. The judicial opinion or decision in each case determined by the court of appeals shall be reduced to writing. Reports of these opinions and decisions may be published and distributed in the manner prescribed by the supreme court.

As added by P.L.98-2004, SEC.4.

IC 33-25-3-7

Opinion and judgment; certification to lower court

Sec. 7. (a) In every case reversed by a division of the court of appeals:

- (1) an opinion shall be given on the material questions in the case in writing; and
- (2) the appropriate judgment shall be entered, with directions to the lower court.

(b) In all cases, the opinion and judgment shall be certified to the lower court thirty (30) days after the date allowed by law for the filing of a petition for a rehearing, unless:

- (1) an earlier date has been ordered by the division;
- (2) a petition for a rehearing is filed; or
- (3) the case is transferred or appealed to the supreme court.

If a case is transferred or appealed to the supreme court, or a rehearing is granted, the judgment of the division of the court of appeals is vacated. If a rehearing is denied, the opinion and judgment shall, thirty (30) days after the date of the ruling, be certified to the lower court, unless the case is transferred or appealed to the supreme court.

(c) If the losing party files a waiver of the party's right to file a petition for a rehearing, the opinion shall be immediately certified to the lower court.

As added by P.L.98-2004, SEC.4.

IC 33-25-3-8

Process, rules, and orders; execution and service

Sec. 8. All process, rules, and orders of the court of appeals shall be executed and served by the sheriff of the county in which a process, a rule, or an order has been directed. The sheriff is entitled to collect the fees allowed by law for similar service of process, rules, or orders issued by the supreme court.

As added by P.L.98-2004, SEC.4.

IC 33-25-3-9

Seal of court

Sec. 9. The court of appeals shall have a seal:

- (1) designed and provided by the secretary of state at the expense of the state; and
- (2) that contains the title of the court on the face of the seal.

As added by P.L.98-2004, SEC.4.